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Ukraine Amendments to Plant Quarantine Law

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Policy and Program Announcements

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Report Highlights:

Ukraine intends to streamline its phytosanitary legislation through a set of norms intended to impose tighter deadlines for issuing quarantine certificates, ensuring public availability of information, introduction of risk assessment-based activities and raising level of responsibility for actions/inactivity by government officials.

General Information:

On July 15th, the President of Ukraine signed Law #617-VIII adopted by the Ukrainian Parliament amending the law of Ukraine “On Plant Quarantine” (Law) ([original text](#) in Ukrainian). The Law will come into force on November 7, 2015.

The Law contains the following amendments of particular relevance for shipments of plant products being imported into Ukraine and being exported from Ukraine:

1. Phytosanitary certificates for export must be issued or rejected by State inspectors within 24 hours of completion of loading. Completion of loading is defined as the point in time when a vehicle/ a ship is loaded and awaiting departure. Rejections must include specific reasons that prevented an inspector from issuing the certificate. Under the previous version of the Law, certificates could be issued up to five days after loading and no specific reasons had to be listed for rejecting a certificate;
2. Separate lists of phytosanitary objects (products of plant origin capable of hosting and transmitting quarantine organisms) must be established for purposes of: import, export and re-export; domestic shipments inside Ukraine. The list of phytosanitary objects for purposes of import should contain objects tied to specific exporting countries or zones of countries of origin prohibited from exporting to Ukraine. The list of phytosanitary objects for purposes of export and re-export should contain objects tied to specific importing countries, which demand a shipment to be accompanied by phytosanitary documents. Under the previous version of the Law there was only one unified list covering both domestic and international shipments;
3. Availability of public information by the government agency tasked with implementation of plant quarantine policy (Agency) will be ensured by requirements to publish information on Agency official webpages. This includes results of risk analysis, decisions on enactment and suspension of quarantine regime for specific territories, lists of quarantine organisms, etc. Under the previous version of the Law such information was available through printed media only;
4. Agency’s inspectors are entitled to suspend a shipment only in cases where it is not accompanied by phytosanitary documents or contains visually identifiable quarantine organisms. Under the previous version of the Law a shipment could be suspended based on an inspector’s judgment of “non-compliance to phytosanitary requirements”;
5. Agencies are required to publish results of risk analysis within three business days on Agency webpages. Agency operations should be based on the results of risk analysis. The previous version of the Law did not contain any specific deadlines or legally-binding obligations to base Agency operations on a risk analysis -based approach;
6. Individuals and legal entities involved in turnover and production of products of plant origin are obliged to provide specific documents in order to be included in the registry. After providing the

documents, entities will be listed in the registry administered by the Agency of entities producing and selling products of plant origin within 10 business days. Under the previous version of the Law there was an additional audit requirement companies had to undergo before being added to the Registry after submitting the relevant paperwork to the Agency with no deadlines specified for Agency's action;

7. Individuals and legal entities are entitled to compensation of losses caused by actions/inactivity by a government official resulting in delay of licensing documents in accordance with the legislation in force. Under the previous version of the Law individuals and legal entities were not entitled to compensation of losses caused by inactivity of government officials where they did not manage to obtain licensing documents within a five-day period;

The amended law including the specific changes referenced above is being implemented as the Government of Ukraine also carries on a process of consolidating the State Food Safety and Consumer Protection Service (Service) that would include the Veterinary and Phytosanitary Services as well as components of the previously liquidated State Agricultural Inspection. Given that the consolidation process presents significant organizational, procedural and staff changes, practical implementation of the Law "On Plant Quarantine" will depend heavily how quickly and smoothly the concurrent agency consolidation process occurs and any accompanying changes to agency capacity.